

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

CLERK'S OFFICE U.S. DIST. COURT
AT ABINGDON, VA
FILED

OCT 29 2020

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

MELINDA SCOTT,)
Plaintiff)
v.)
)
WISE COUNTY DEPT.)
of SOCIAL SERVICES,)
et al)
)

Case No. 2:20cv14

MOTION TO RECUSE

COMES NOW, the Plaintiff, and files this Motion to Recuse. Plaintiff motions that Judge James. P. Jones, who has been assigned to the above case, should be recused from the case because he is biased against the Plaintiff which makes him unable to render an impartial and fair judgment in the case. Judge Jones is biased against the Plaintiff because of her socio-economic status as a litigant proceeding *in forma pauperis*, because she is a *pro-se* litigant, and because of her household composition (being a female led household). Plaintiff notes that the following statements and actions by the Judge demonstrate that he is biased against the Plaintiff:


- (1) The judge assigned to this case, Judge Jones, rather than addressing the Complaint's contents, has glossed over her pleading to not address the need for immediate discovery to identify three of the "John Doe" and one of the "Jane Doe" Defendants. The Complaint was filed in July 2020 and he has yet to address that part of the pleading. The fact that a

judge would allow portions of her pleading to remain unanswered for that length of time shows bias against the Plaintiff.

- (2) The judge assigned to this case, Judge Jones, rather than addressing the Complaint's contents, has glossed over the pleading, to not address the Declaratory Relief that was mentioned in her pleading. The Plaintiff clearly asked for Declaratory Relief in the appropriate section of the *pro-se* form, in large print, and yet no mention of this Declaratory Relief makes an appearance in the "Facts of the Case" (section "I") portion of the Judge's Opinion. Judge Jones intentionally omitted this request for Declaratory Relief from the Plaintiff's Complaint. The fact that a judge would allow portions of her pleading to be glossed over and remain unanswered shows bias against the Plaintiff.
- (3) The judge assigned to this case, Judge Jones, instead of extending impartial treatment through Rule 8(e), states that amending the pleading would be "futile". This is the exact opposite goal of Rule 8(e). There is nothing "futile" about social justice. The judge seeks to stop any chance of the Plaintiff receiving justice through amending the pleading, because he is biased against the Plaintiff.
- (4) Instead of allowing the Plaintiff to amend the pleading, Judge Jones seeks to dismiss the Complaint with prejudice to burden the Plaintiff with re-filing instead of joining in additional Defendants. This demonstrates a bias against the Plaintiff.
- (5) This is not the first time that Judge Jones has treated the Plaintiff's pleading with carelessness. In another case, particularly *Scott v WCRHA*, Judge Jones incorrectly quoted the Plaintiff's pleading in his Opinion. This is not due to inability to perform his duties; it is due to a bias toward the Plaintiff.

(6) In more than one case Judge Jones has arbitrarily made a footnote mentioning that the Plaintiff has had her other cases dismissed. This detail in his Opinions has absolutely nothing to do with rendering an Opinion. These footnotes serve no other purpose than the aim of trying to embarrass the Plaintiff. The unnecessary appearance of these footnotes demonstrates he has a bias against her for being a *pro-se* litigant. The tone of them is to state in a roundabout way that she cannot prevail with a judgment in her favor as a *pro-se* litigant.

I MOTION FOR THIS


Melinda Scott, *pro-se*

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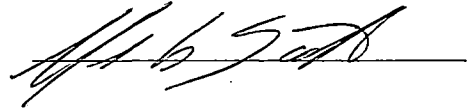
Richmond, VA 23218

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540-692-2342

CERTIFICATE OF SERVICE

I hereby certify that I have both mailed a copy of this MOTION TO RECUSE to the Defendant, by counsel, to Christopher Dadak, Esquire, GUYNN, WADDELL, CARROLL & LOCKABY, P.C. 415 S. College Avenue, Salem, Virginia 24153 and by electronic delivery to christopherd@guyynnwaddell.com on this 28 day of Oct., 2020.

A handwritten signature in black ink, appearing to read 'Melinda Scott', written over a horizontal line.

Melinda Scott, *pro-se*

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